

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAHAMAD HUSSEIN SAYIDIN,

Petitioner,

v.

JACK WARNER,

Respondent.

Case No. 2:24-cv-00098-JNW-TLF

ORDER DENYING MOTIONS FOR
APPOINTMENT OF COUNSEL
AND MOTION FOR EVIDENTIARY
HEARING WITHOUT PREJUDICE

Petitioner Mahamad Hussein Sayidin filed this federal habeas corpus action under 28 U.S.C. § 2254. Petitioner has filed a motion for appointment of counsel and a motion seeking evidentiary hearing and for appointment of counsel. Dkts. 4, 7. Respondent opposes the requests. Dkt. 10.

By order dated June 7, 2024, the Court informed petitioner that, for the Court to properly evaluate his requests for counsel, petitioner must demonstrate that he is financially eligible for such an appointment. Dkt. 16; See 18 U.S.C. § 3006A(a)(2)(B). The Court noted that the record did not currently contain any documentation regarding petitioner's financial eligibility. *Id.*

Accordingly, the Court ordered petitioner to provide a financial affidavit to support his requests for appointment of counsel on or before June 19, 2024. *Id.* The Court also directed the Clerk to provide petitioner with a copy of the financial affidavit form. *Id.*

1 To date, petitioner has not provided the financial affidavit to support his requests
2 for appointment of counsel as directed by the Court. *Id.* Accordingly, petitioner's
3 requests for appointment of counsel (Dkts. 4, 7) are DENIED without prejudice.
4 Petitioner may file a motion for appointment of counsel if he submits to the Court the
5 necessary financial affidavit to support his request, and the Court will consider
6 appointing counsel if the financial affidavit shows that his financial situation is such that
7 he qualifies for appointment of counsel.

8 Petitioner's request for an evidentiary hearing (Dkt. 7) is also DENIED without
9 prejudice, because it is premature. Respondent has filed a response to the petition
10 arguing that the petition is "mixed" and that petitioner must be given the choice of
11 dismissing his unexhausted claims and proceeding with his exhausted claim or
12 dismissing his entire petition without prejudice. Dkt. 8.

13 Petitioner has filed motions that appears to seek to amend his petition, to dismiss
14 his unexhausted claims, and proceed with his exhausted claim. Dkts. 12, 13. The
15 "mixed" petition issue is currently before the Court; respondent has not yet filed briefing
16 addressing the merits of petitioner's claim(s). Accordingly, petitioner's request for an
17 evidentiary hearing (Dkt. 7) is premature at this stage of the action and is DENIED
18 without prejudice.

19 Dated this 3rd day of July, 2024.

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Theresa L. Fricke
23 United States Magistrate Judge
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